BEFORE THE DEPARTMENT OF PUBLIC SERVICE REGULATION OF THE STATE OF MONTANA

In the matter of the)	AMENDED NOTICE OF
proposed adoption of New)	PROPOSED ADOPTION,
Rules I through XIII;)	AMENDMENT AND REPEAL
amendment of ARM 38.5.3301,)	
38.5.3320, 38.5.3330,)	NO PUBLIC HEARING
38.5.3331, 38.5.3332,)	CONTEMPLATED
38.5.3333, 38.5.3334,)	
38.5.3335, 38.5.3336,)	
38.5.3337, 38.5.3339,)	
38.5.3343, 38.5.3350,)	
38.5.3351, 38.5.3352,)	
and 38.5.3353; and repeal of)	
ARM 38.5.3302, 38.5.3338,)	
38.5.3341, 38.5.3360,)	
38.5.3361, 38.5.3362,)	
38.5.3370, and 38.5.3371,)	
pertaining to)	
telecommunications service)	
standards)	

TO: All Concerned Persons

- 1. On October 21, 2004, the Department of Public Service Regulation, Public Service Commission (PSC) published MAR Notice Number 38-2-183 regarding a public hearing on the proposed adoption, amendment, and repeal of the above-stated rules pertaining to telecommunications service standards at page 2518 of the 2004 Montana Administrative Register, issue number 20. The notice is being amended as follows to correct a typographical error and to allow time for further comment.
- 2. New rule V is being changed as follows, stricken matter interlined, new matter underlined:

NEW RULE V INSTALLATION OF LOCAL EXCHANGE SERVICE

- (1) through (3)(b) remain as proposed.
- (c) The carrier shall complete $\frac{95\%}{100}$ of all installation orders, excluding those orders where the customer specifically requested a later due date, within 30 calendar days of the application date.
 - (d) through (7) remain as proposed.

AUTH: 69-3-103, MCA

IMP: 69-3-102, 69-3-103, 69-3-108, and 69-3-201, MCA

- 3. Amending the new rule is necessary because the rule as proposed included a typographical error. The 99% is necessary to ensure customers receive adequate service.
- 4. The PSC will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking or need an alternative accessible format of this notice. If you require an accommodation contact the PSC no later than 5:00 p.m. May 10, 2005, to advise us of the nature of the accommodation that you need. Please contact Connie Jones, PSC Secretary, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601, telephone number (406) 444-6170, TTD number (406) 444-6199, fax number (406) 444-7618, or e-mail conniej@mt.gov.
- 5. Concerned persons may submit their data, views or arguments concerning the proposed action in writing to Connie Jones, PSC Secretary, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601, telephone number (406) 444-6170, TTD number (406) 444-6199, fax number (406) 444-7618, e-mail conniej@mt.gov. Any comments must be received no later than May 17, 2005. PLEASE NOTE: When filing comments pursuant to this notice please reference "Docket No. L-05.04.4-RUL."
- 6. If persons who are directly affected by the proposed action wish to express their data, views and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Connie Jones, PSC Secretary, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601, telephone number (406) 444-6170, TTD number (406) 444-6199, fax number (406) 444-7618, e-mail conniej@mt.gov. A written request for a hearing must be received no later than May 12, 2005.
- 7. If the PSC receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than

- 25 based on the number of people using telecommunications services in Montana.
- 8. The Montana Consumer Counsel, 616 Helena Avenue, P.O. Box 201703, Helena, Montana 59620-1703, phone (406) 444-2771, is available and may be contacted to represent consumer interests in this matter.
- The PSC maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: electric utilities, providers, and suppliers; natural gas utilities, providers and suppliers; telecommunications utilities and carriers; water and sewer utilities; common carrier pipelines; motor carriers; rail carriers; and administrative procedures. Such written request may be mailed or delivered to the Public Service Commission, Legal Division, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601, faxed to Connie Jones at (406) 444-7618, e-mailed to conniej@mt.gov, or may be made by completing a request form at any rules hearing held by the PSC.
- 10. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

Chairman,

Public Service Commission

Dreg Gergeson

Reviewed by Robin A. McHugh

Certified to the Secretary of State, April 4, 2005.